

April 09, 2014

EDWARD J. EMMONS, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



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The following constitutes
the order of the court. Signed April 9, 2014

Stephen L. Johnson

Stephen L. Johnson
U.S. Bankruptcy Judge

mailing address:

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Attorneys for Plan Proponent BOSTON
PRIVATE BANK & TRUST COMPANY

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re:
272 E. Santa Clara Grocery, LLC,
Debtor.

CASE NO. 13-53491

CHAPTER 11

**ORDER APPROVING DISCLOSURE
STATEMENT AND FIXING TIME FOR
FILING ACCEPTANCES OR
REJECTIONS OF AMENDED PLAN OF
REORGANIZATION (DATED
DECEMBER 5, 2013, AS AMENDED
MARCH 20, 2014) AND OBJECTIONS TO
CONFIRMATION OF AMENDED PLAN,
COMBINED WITH NOTICE THEREOF**

Disclosure Statement Hearing Held:

Date: March 6, 2014

Time: 1:30 p.m.

Plan Confirmation Hearing:

Date: June 18, 2014

Time: 1:30 p.m.

Place: 280 S. First Street
San Jose, CA
Courtroom 3099

Judge: Hon. Stephen L. Johnson

1 On March 20, 2014, Creditor Boston Private Bank & Trust Company ("BPB") filed its
2 Disclosure Statement (Dated As Of March 20, 2014) With Respect To Creditor Boston Private
3 Bank & Trust Company's Chapter 11 Plan Of Reorganization (Dated December 5, 2013, As
4 Amended March 20, 2014) For Debtor 272 E. Santa Clara Grocery, LLC ("BPB Disclosure
5 Statement").

6 The Court, having reviewed the BPB Disclosure Statement, all pleadings and papers filed
7 in support of and in opposition to the BPB Disclosure Statement, and it having been determined
8 after hearing on notice that the BPB Disclosure Statement contains adequate information as
9 required by 11 U.S.C. § 1125(a)(1),

10 **IT IS HEREBY ORDERED, AND NOTICE IS HEREBY GIVEN, THAT:**

11 1. The Disclosure Statement is approved.

12 2. On **May 13, 2014**, copies of the Creditor Boston Private Bank & Trust Company's
13 Chapter 11 Plan Of Reorganization (Dated December 5, 2013, As Amended March 20, 2014) (the
14 "BPB Plan"), the BPB Disclosure Statement, and this Order shall be mailed by BPB to all known
15 creditors and all parties entitled to notice under Federal Rule of Bankruptcy Procedure 2002, and
16 shall be transmitted to the United States Trustee, as provided in Federal Rule of Bankruptcy
17 Procedure 3017(d). Copies of the foregoing materials can be obtained directly from the Court
18 through its PACER website for those parties with a PACER account, or by written request to Ms.
19 JillAnn Meade via electronic mail at jmeade@hopkinscarley.com.

20 3. On **May 13, 2014**, ballots substantially conforming to Official Form 14 shall be
21 mailed by BPB to all creditors and parties in interest entitled to vote on the BPB Plan.

22 4. On **May 13, 2014**, BPB and the Debtor shall serve a joint notice of the
23 confirmation hearing, pertinent dates and related matters for the BPB Plan and the Debtor's
24 proposed plan filed by it.

25 4. **June 11, 2014, at 5:00 p.m. (Pacific Time)** is fixed as the deadline for submitting
26 written acceptances or rejections of the BPB Plan. Such written acceptances or rejection shall be
27 submitted to counsel for the BPB at the following address: 70 S. First Street, San Jose, CA
28

1 95113, Attn: Stephen J. Kottmeier. Counsel for BPB shall file a written tabulation of ballots for
2 the BPB Plan by no later than **June 13, 2014**.

3 5. **June 11, 2014, at 5:00 p.m. (Pacific Time)** (the "Objection Deadline") is fixed as
4 the deadline for filing with the Court and serving written objections to confirmation of the BPB
5 Plan pursuant to Bankruptcy Rule 3020(b). Any such objection shall be filed and served upon the
6 following parties so it is actually received by the Objection Deadline:

- 7 a) counsel for BPB, Hopkins & Carley, A Law Corporation, 70 S. First St., San Jose,
8 CA 95113, Attn: Stephen J. Kottmeier;
- 9 b) the Office of the United States Trustee, 280 South First Street, Room 268, San
10 Jose, CA 95113, Attn: Tracy Hope Davis;
- 11 c) counsel to the Debtor, Campeau Goodsell Smith, L., 440 N. 1ST Street, Suite 100,
12 San Jose, CA 95112, Attn: William J. Healy; and
- 13 d) those parties who have formally filed requests for notice in the Chapter 11 Case
14 pursuant to Bankruptcy Rule 2002.

15 6. On **June 18, 2014, at 1:30 p.m.** (Pacific Time), in the courtroom of the Honorable
16 Stephen L. Johnson, Judge, United States Bankruptcy Court, 280 S. First Street, San Jose, CA
17 95113, a hearing will be held to consider confirmation of the BPB Plan (the "Confirmation
18 Hearing").

19 7. BPB may file a reply to any objection to the BPB Plan and/or any memorandum in
20 support of the BPB Plan not less than three days prior to the Confirmation Hearing.

21 *** END OF ORDER***

22 Approved As To Form:

23 CAMPEAU GOODSSELL SMITH, L.C.

24 By /s/ William Healy
William Healy

25 OFFICE OF THE UNITED STATES TRUSTEE

26 By /s/ John S. Wesolowski
27 John S. Wesolowski
28 Attorney for U.S. Trustee